

Commissioners

MARISEL A. HERNANDEZ, *Chair*
WILLIAM J. KRESSE, *Commissioner/Secretary*
JONATHAN T. SWAIN, *Commissioner*
LANCE GOUGH, *Executive Director*



Board of Election Commissioners for the City of Chicago Acting as the Canvassing Board
for the Canvass of the Returns
of the
February 26, 2019
Municipal General Election
Held in the City of Chicago
Minutes of the Meeting

Tuesday, February 26, 2019
7:00 p.m.
Suite 800
69 West Washington Street
Chicago, Illinois 60602

Board Members:

Marisel A. Hernandez, Chairwoman
William J. Kresse, Commissioner/Secretary
Jonathan T. Swain, Commissioner

Staff:

Lance Gough, Executive Director
Adam W. Lasker, General Counsel
Trish Sheehy
Anabel Abarca

Guests:

Michael Kreloff, SIEU Illinois Council
Daniel J. Bolin, Ancel Glink
David Schaffer, Miller Canfield

- I. Call to order: At 7:03 p.m. the Chair called to order the meeting of the Chicago Board of Election Commission, acting as the Canvassing Board for the February 26, 2019 Municipal General Election pursuant to Sections 7-56 and 22-8 of the Election Code (10 ILCS 5/7-56 and 5/22-8)
- II. Roll Call: All members were present
- III. Consideration and adoption of Rules that are to Govern the Canvass of Returns of the February 26, 2019 Municipal General Election in the City of Chicago:

**Minutes of the February 26, 2019 and March 13, 2019 meetings of
Board of Election Commissioners for the City of Chicago
Acting as the Canvassing Board
For the Canvass of the Returns**

General Counsel Adam Lasker explained that the Board has 21 days, by statute, to canvass and proclaim, but because of potential runoffs we are trying to do it within 13 days. Civic Organizations have been notified, the Rules have been posted on the Board's website and available at the Board's reception desks (in the 6th and 8th floor offices of the Board).

Since November we have made a friendly amendment to paragraph 16, changing the time of the proclamation from 9:00 a.m. to 9:30 a.m.

Commissioner Kresse moved to adopt the "Rules Governing the Canvass of the Returns of the February 26, 2019 Municipal General Election in the City of Chicago". Commissioner Swain seconded the motion. The motion passed and the Rules were adopted by unanimous vote of the Board.

IV. Public Comment: None

V. Recess: Commissioner Swain moved to recess until the call of the Chair. Commissioner Kresse seconded the motion. The motion was approved by 3:0 vote of the Board. The Board recessed at 7:06 p.m.

Board Members:

Marisel A. Hernandez, Chairwoman
William J. Kresse, Commissioner/Secretary
Jonathan T. Swain, Commissioner

Staff:

Lance Gough, Executive Director [absent]
Charles Holiday, Assistant Executive Director
Adam W. Lasker, General Counsel
James P. Allen, Communications Director
Peter Peso, Deputy Chief Administrative Officer
LaCretia Dandridge, Manager Human Resources
Joan T. Agnew, Deputy Counsel
Bill Perez, Coordinator Hispanic Outreach
Amanda Robledo, Purchasing
Gary Ryczyn, Consultant
Rachel Brown, Videographer
Trish Sheehy

Guests:

Helene Gabelnick, League of Women Voters of Chicago (LWV Chicago)

Minutes of the February 26, 2019 and March 13, 2019 meetings of
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C. Betty Magness, Rainbow PUSH Coalition
Lora Chamberlain, Clean Count Cook County
Dan Sheehan, Clean Count Cook County
Judd Ryan, ES&S
Mauro Sivartd, resident
Carlin Thisl, cc12
Pete DeMay, resident
Clare Tobin, II. Ballot Integrity
Joyy Norris, City Bureau
Olivia Stovicek, City Bureau
Joyce Good, Clean Count Cook County
William Dock Walls, CFABC
Zoe Chen, Resident

VI. Call to order: Chair Marisel A. Hernandez reconvened the Canvassing Board meeting on March 13, 2019 at 9:32 am

VII. Roll Call: All members were present.

VIII. Public comments:

A. Lora Chamberlain, Clean Count Cook County

Mentioned that she had looked at the Board's Election Day call logs and noted that they only contain information from Board staff, and none from pollwatchers, candidates or others.

Ms. Chamberlain suggested that the Judges of Election not be selected by Committeemen, and if they had to be so selected, that they not be assigned to the ward of the Committeeman who selected them. The Board should "randomly assign" the judges throughout the city. Commissioner Swain told Ms. Chamberlain that that would require legislative changes, and that, as such, we cannot make those changes on our own. General Counsel Lasker and the Chair pointed out that the Board follows the law, and the law states that the Committeemen submit the names of Judges for specific assignments in their wards.

Ms. Chamberlain also recommended better training for the investigators.

B. Dan Sheehan, Clean Count Cook County

Mr. Sheehan said that he had been a poll watcher in the 40th ward on Election Day and that he had observed some inappropriate behavior including people

talking politics in the polling place and poll watchers for a particular candidate appearing to be too close to the Judges of Election and Election Coordinator.

When the Chair asked if he had called Election Central on Election Day to report the inappropriate behavior that he had observed, Mr. Sheehan said that he had not called the Board of Elections, but had written it down and given it to his "superior", Don Olson. The Chair and Commissioner Swain told him that he should call Election Central, and that anyone can call Election Central on Election Day. He could still report to his superior, but if he calls Election Central we can investigate the issues in real time and that we need people to call as they observe situations on Election Day rather than 2-3 weeks after the event.

C. Clare Tobin, II. Ballot Integrity

Ms. Tobin mentioned that the process for a person who had requested a Vote by Mail Ballot, but then went to their polling place, was confusing and inconsistent between 2 precincts she had observed, and that the Judges of Election Handbooks was confusing on this matter.

The Chair asked Ms. Tobin if she had called Election Central regarding this matter on Election Day. Ms. Tobin said that she hadn't, but that she had taken notes and was reporting it now. The Chair pointed out that we have resources on Election Day, such as texting all of the Judges of Election and Election Coordinators, to clarify procedures if is confusion or inconsistencies. While the Board can consider this matter for future elections, we could have addressed it that day had Ms. Tobin called Election Central.

D. William Dock Walls, CFABC

Mr. Walls expressed his concerns about votes cast versus votes counted in the Board's reporting.

Mr. Walls stated that he has a case in court regarding this matter. He also argued several points on the subject.

General Counsel Lasker pointed out that "ballots cast" and "votes cast" are distinctly different concepts, and that they are consistently used and defined in the state statutes. Taking into account the Cities and Villages Act, Election Code, case law and other related laws, it is abundantly clear that the Board may only count "votes cast" for "eligible candidates".

The Chair stated that this was like the oral argument that Mr. Walls will address to courts and that she is very interested to see how the courts decide. The Chair explained that at this time it is out of the Board's hands, but she appreciates Mr. Wall providing his explanation and background.

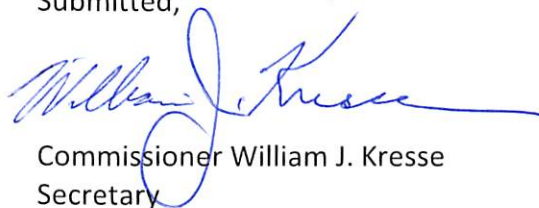
There were no other requests for Public Comment, so the Chair closed the Public Comment section of the meeting, but noted the following:

- Election Central call logs are real-time records, and, as such, may not have all the details because we are just getting the complaints. What we do is send investigators out on these complaints immediately. Then, based on information that we receive from the Investigators, we determine whether there is cause to pursue a particular complaint or contact the State's Attorney Office, the Attorney General's Office or the Department of Justice.
- The Chair then addressed a matter from the 40th Ward that Ms. Chamberlain mentioned. The Chair recommended further investigation into the alleged incidents. General Counsel Lasker agreed.
- Mr. Lasker added that the Board has been working with the Chicago Council of Lawyers before election day, on election day and since election day and they are cooperating with us and supplementing our own resources. The Chair also mentioned that the Chicago Lawyers' Committee for Civil Rights is also partnering with us. On Election Day the Chicago Lawyers' Committee had online access to our help desk and access to our legal department to discuss any issues. Two of our Election Day attorneys were specifically assigned to work with the Committee all day to coordinate investigations.
- The Chair asked everyone present, especially the groups that are helping us monitor Election Day, not to wait until the day before the proclamation to inform the Board of alleged incidents that "they heard" about. Rather, if you know of an Election Day incident, it is your responsibility and obligation as residents of the City of Chicago, as voters of the City of Chicago, and as representatives of a voting organization to call us immediately and give us all the information that you have. The Board partners with many groups that do precisely that. The Chair also stated that she thinks that it is totally irresponsible for someone who knows of an Election Day problem to not call us immediately at our hot-line. She hopes that is what will occur on April 2nd.

IX. Consideration of "Tabulated Statement of the Returns and Proclamation of the Results of the Canvass of the Election Returns for the February 26, 2019 Municipal General Election Held in the City of Chicago."

- A. Motion to Approve, Adopt and Proclaim: Commissioner Kresse moved to approve, adopt and proclaim the Results of the Election.
 - B. Second of Motion to Approve, Adopt and Proclaim: Commissioner Swain seconded the motion.
 - C. Vote on Motion to Approve, Adopt and Proclaim: The Board voted 3:0 in favor of the motion.
- X. Other Matters. While the members signed the Proclamation, Mr. Lasker noted that we proclaimed the results six days before the statutory deadline. Because of the short turn around between now and the April 2nd election, it was thought that it would be in the best interest of all parties to do so. Early Voting at our supersite will begin on Friday; two days after proclaiming these results.
- Mr. Lasker also complimented the Board's great staff, and how dedicated and hardworking they are.
- Commissioner Swain echoed Mr. Lasker's praise of the staff. Commissioner Swain and Mr. Lasker discussed the statutory assignments of Judges of Election and possible legislation regarding Judges of Election recruitment and assignments, noting the monumental task of recruiting, training and assigning five Judges of Election to each of the 2,069 precincts.
- Commissioner Kresse made comments with regards to investigators, noting that they did a fine job on Election Day. They are a real time contact to the polling places. The Commissioner also echoed the early compliments regarding the Board's staff.
- XI. Adjourn: Commissioner Swain moved to adjourn. Commissioner Kresse seconded the motion. The Board voted unanimously to adjourn. The meeting was adjourned at 10:16 a.m. on March 13, 2019

Submitted,



Commissioner William J. Kresse
Secretary